DOCUMENT RESUME

ED 344 706 RC 018 565

TITLE	American Indians Today: Answers to Your Questions. Third Edition.
INSTITUTION	Bureau of Indian Affairs (Dept. of Interior), Washington, D.C.
PUB DATE	91
NOTE	37p.; For a related document, see ED 280 664.
PUB TYPE	Reference Materials - General (130)
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	*Alaska Natives; American Indian Education; American Indian Reservations; *American Indians; Bibliographies; Definitions; Demography; *Federal Indian Relationship; Land Use; Tribal Sovereignty; Tribes; *Trust Responsibility (Government)
IDENTIFIERS	*Bureau of Indian Affairs

ABSTRACT

This booklet answers briefly the most common questions about American Indians asked by students, teachers, researchers, librarians, government agencies, and the news media. Sections outline the history, responsibilities, educational programs, and housing programs of the Bureau of Indian Affairs (BIA); President Bush's American Indian policy; current federal appropriations for Indian programs; statistics about the nearly 2 million American Indians and Alaska natives, 510 federally recognized tribes, and 278 federal Indian reservations; and birth and death rates and related demography. A section of questions and answers defines or discusses Indian identity, tribal membership, reservations, American Indian languages, the federal Indian relationship, citizenship and voting, other legal rights and responsibilities, tribal governments, treaties, tribal sovereignty, and genealogy. This booklet also contains a map showing federally recognized tribes, information sources in federal government agencies and libraries, an 84-item bibliography, and lists of BIA area offices and national American Indian organizations. (SV)

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AMERICAN INDIANS TODAY

ANSWERS TO YOUR QUESTIONS
1991
THIRD EDITION

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AMERICAN INDIANS TODAY

ANSWERS TO YOUR QUESTIONS

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THIRD EDITION

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

IN REPLY REFER TO:

Introduction

Every day the Bureau of Indian Affairs (BIA) receives many and varied inquiries about American Indians and Alaska Natives through cards, letters, telephone calls or visits to our offices. They come from students, teachers, historians, researchers, librarians, other government agencies, Members of Congress, the White House, game show hosts, and the general public. Like you, they want answers to questions about the lives of Indian people past and present.

Another large group of inquirers is the general and Indian news media which maintain a lively interest in the work of this agency and in the programs the federal government carries out with and for Indian tribes. The BIA is often the first and main resource when they are researching stories.

Responding to all of this is an enormous task. Many of your most frequent questions, however, are similar and this booklet was developed to respond to them. It also lists other resources and an extensive bibliography to help with your research in local libraries and elsewhere.

In seeking answers to your questions about Indians, you should do so with a clear understanding that no two Indian tribes are exactly alike. What is good for one tribe may not be good for another; a policy or program that solves the problems of one tribe, may not do so for another. This is true because of differences in early culture, location, resources or lack thereof, religion, education or tradition.

Consequently, there are no simple solutions to the many challenges facing Indian tribes today. The BIA's role in their lives has changed considerably from that of the past. As it seeks to administer national policies affecting tribes, the BIA actively seeks advice and participation by tribal leaders in its decision-making.

The BIA also makes concerted efforts to provide tribes with opportunities to be more self-governing and has moved, in many ways, from daily involvement in their lives. As each tribe's history, culture, and current situation is unique to itself, finding the best way to help tribes achieve self-sufficiency without jeopardizing their interests is our challenge.

We hope the information in this booklet provides the answers you seek or enables you to find them through other sources.

Thank you for your interest.

David J. Matheson
Deputy Commissioner

Bureau of Indian Affairs

The Bureau of Indian Affairs (BIA) in the U.S. Department of the Interior, is the federal agency with primary responsibility for working with federally-recognized Indian tribal governments and with Alaska Native village communities. Other federal, state, county and local governmental agencies may work with Indians or Alaska Natives as members of ethnic groups or as U.S. citizens. The BIA relates its work to federal tribal governments in what is termed a "government-to-government" relationship.

It must be made clear at this point that BIA does not "run Indian reservations." Elected tribal governments run Indian reservations, working with the BIA whenever trust resources or Bureau programs are involved. .

Under a U.S. policy of Indian self-determination, the Bureau's main goal is to support tribal efforts to govern their own reservation communities by providing them with technical assistance, as well as programs and services, through 12 area offices and 109 agencies and special offices.

A principal BIA responsibility is administering and managing some 56.2 million acres of land held in trust by the United States for Indians. Developing forest lands, leasing mineral rights, directing agricultural programs and protecting water and land rights are a part of this responsibility in cooperation with the tribes, who have a greater decision-making role in these matters now than in the past.

Most Indian students (about 89 percent) attend public, private or parochial schools. BIA augments these through funding of 180 Bureau education facilities, many of which are operated by tribes under contract with the Bureau. The BIA also provides assistance for Indian college students; vocational training; adult education; a solo parent program; and a gifted and talented students program.

A part of the Bureau's work is also to assist tribes with local governmental services such as road construction and maintenance, social services, police protection, economic development, and enhancement of governance and administrative skills.

The BIA was established in 1824 in the War Department. It became an agency of the Department of the Interior when the Department was created in 1849. Until 1980, BIA was headed by a Commissioner who by law was a presidential appointee requiring confirmation by the U.S. Senate. The post remained vacant until 1991 when the post of Deputy Commissioner was filled by David J. Matheson, an enrolled member of the Coeur d'Alene Tribe of Idaho, who is responsible for the day-to-day operations of the Bureau. His post as Deputy Commissioner does not require Senate confirmation. From 1980 to 1991, the BIA was administered by an Assistant Secretary - Indian Affairs (or his deputy), a post that was created in 1977 by the Interior Secretary. Five successive Indians have been appointed by the President to the office. Since 1989, Eddie F. Brown, an enrolled member of the Pasqua Yaqui Tribe of Arizona, has held the post. He sets policy for the BIA.

About 87 percent of BIA employees are Indian through Indian preference in hiring. Under federal law, a non-Indian cannot be hired for a vacancy if a qualified Indian has applied for the position. To qualify for preference status, a person must be a member of a federally-recognized Indian tribe or be of at least one-half Indian blood of tribes indigenous to the U.S.

BIA EDUCATION PROGRAMS

Legislation -- Since the 1970's, two major laws have restructured the BIA education program. In 1975, the Indian Self-Determination and Education Assistance Act (P.L. 93-638) authorized contracting with tribes to operate education programs. The Educational Amendments Act of 1978 (P.L. 95-561) and technical amendments (P.L. 98-511, 99-89 and 100-297) mandated major changes in both Bureau-operated and tribally contracted schools, including decision-making powers for Indian school boards, local hiring of teachers and staff, direct funding to schools, and increased authority to the director of Indian Education Programs within the Bureau.

Federal Schools -- In 1990-91, the BIA is funding 180 education facilities including 48 day schools, 39 on-reservation boarding schools, five off-reservation boarding schools and eight dormitories operated by the Bureau. Additionally, under "638" contracting, tribes operate 62 day schools, 11 on-reservation boarding schools, one off-reservation boarding school and six dormitories. The dormitories enable Indian students to attend public schools.

Indian Children in Federal Schools -- Enrollment in schools and dormitories funded by the BIA for 1991 is about 40,841 including 39,092 instructional and 1,749 dormitory students.

Public School Assistance (Johnson-O'Malley Program) -- The BIA provides funds to public school districts under the Johnson-O'Malley Act of 1934 to meet the special educational needs of about 225,871 eligible Indian students in public schools.

Indians in College -- Approximately 15,000 Indian students received scholarship grants from the BIA in the 1990-91 school year to enable them to attend colleges and universities. About 432 students receiving BIA assistance are in law school and other graduate programs. The total number of Indian college students is not known, but is estimated to be more than 70,000. Total appropriations provided through the BIA for Indian higher education was about $30.2 million in fiscal year 1991.

Tribally Controlled Colleges -- Currently, the BIA provides grants for the operation of 22 tribally controlled community colleges. The number of Indian students enrolled in these colleges in school year 1990-91 was approximately 7,050 with a total funding of $23.3 million.

BIA Post-Secondary Schools -- The BIA operates two post-secondary schools: Haskell Indian Junior College in Lawrence, Kansas, with an enrollment of about 816 students, and Southwestern Indian Polytechnic Institute at Albuquerque, New Mexico, with about 427 students.

Handicapped Children's Program -- Under the Handicapped Children's Act (P.L. 94-142), the Bureau provides financial support for the educational costs of an average of 226 such children annually in some 28 different facilities

Substance/Alcohol Abuse Education Program -- BIA education programs in substance and alcohol abuse provide Bureau schools with curriculum materials and technical assistance in developing and implementing identification, assessment, prevention, and crisis intervention programs through referrals and added counselors at the schools.

BIA HOUSING

The BIA Housing Program administers the Housing Improvement Program (HIP), a grant program to which Indians may apply who are unable to obtain housing assistance from other sources, to repair and renovate existing housing. In some special cases, HIP provides for the construction of new homes. It also provides financial help to qualified Indians for down payments in the purchase of new homes. The grants are made only to those Indians who do not have the income to qualify for loans from tribal, federal or other sources of credit.

The 1989 BIA inventory of housing needs on reservations and in Indian communities shows that of a total of 155,539 existing dwellings, 100,037 met standards and 55,502 needed replacement (39,516 of which can be renovated). With the numbers of dwellings needing total replacement (15,986) and families needing housing (35,886), the BIA Housing Program estimates that a total of 51,872 new homes are required. The program budget for fiscal year 1991 is $20.1 million.

The program works cooperatively with the Indian Health Service which provides water and sewage facilities for the homes, and the Housing and Urban Development (HUD) program which builds new homes.

The President's American Indian Policy

On June 14, 1991, President George Bush issued an American Indian policy statement which reaffirmed the government-to-government relationship between Indian tribes and the Federal Government.

The President's policy builds upon the policy of self-determination first announced by President Nixon in 1970, reaffirmed and expanded upon by the Reagan-Bush Administration in 1983. President Bush's policy moves toward a permanent relationship of understanding and trust, and designates a senior staff member as his personal liaison with all Indian tribes. President Bush's policy statement follows:

Reaffirming The Government-to-Government Relationship Between The Federal Government and Tribal Governments

On January 24, 1983, the Reagan-Bush Administration issued a statement on Indian policy recognizing and reaffirming a government-to-government relationship between Indian tribes and the Federal Government. This relationship is the cornerstone of the Bush-Quayle Administration's policy of fostering tribal self-government and self-determination.

This government-to-government relationship is the result of sovereign and independent tribal governments being incorporated into the fabric of our Nation, of Indian tribes becoming what our courts have come to refer to as quasi-sovereign domestic dependent nations. Over the years the relationship has flourished, grown, and evolved into a vibrant partnership in which over 500 tribal governments stand shoulder to shoulder with the other governmental units that form our Republic.

This is now a relationship in which tribal governments may choose to assume the administration of numerous Federal programs pursuant to the 1975 Indian Self-Determination and Education Assistance Act.

This is a partnership in which an Office of Self-Governance has been established in the Department of the Interior and given the responsibility of working with tribes to craft creative ways of transferring decision-making powers over tribal government functions from the Department to tribal governments.

An Office of American Indian Trust will be established in the Department of the Interior and given the responsibility of overseeing the trust responsibility of the Department and of insuring that no Departmental action will be taken that will adversely affect or destroy those physical assets that the Federal Government holds in trust for the tribes.

I take pride in acknowledging and reaffirming the existence and durability of our unique government-to-government relationship.

Within the White House I have designated a senior staff member, my Director of Intergovernmental Affairs, as my personal liaison with all Indian tribes. While it is not possible for a President or his small staff to deal directly with the multiplicity of issues and problems presented by each of the 510 tribal entities in the Nation now recognized by and dealing with the Department of the Interior, the White House will continue to interact with Indian tribes on an intergovernmental basis.

The concepts of forced termination and excessive dependency on the Federal Government must now be relegated, once and for all, to the history books. Today we move forward toward a permanent relationship of understanding and trust, a relationship in which the tribes of the nation sit in positions of dependent sovereignty along with the other governments that compose the family that is America.

Federal Appropriations for Indian Affairs

Over the past decade, the annual budget for the BIA has averaged approximately $1 billion. The fiscal year 1991 appropriation for the BIA is $1.5 billion for the principal program categories of: Education, $554.5 million; Tribal Services (including social services and law enforcement), $338.9 million; Economic Development, $14.6 million; Navajo-Hopi Settlement, $1.4 million; Natural Resources, $139.7 million; Trust Responsibilities, $74.7 million; Facilities Management, $94.2 million; General Administration, $112.0 million; Construction, $167.6 million; Indian Loan Guaranty, $11.7 million; Miscellaneous Payments to Indians, $56.1 million; and Navajo Rehabilitation Trust Fund, $3.0 million.

Under the Indian self-determination policy, tribes may operate their own reservation programs by contracting with the BIA. In fiscal year 1990, tribal governments contracted programs totalling $415 million, over 30 percent of the total BIA budget.

Appropriations for other federal agencies with Indian programs, for FY 1991, are: Indian Health Service, $1.4 billion; and Administration for Native Americans, $33.3 million (both agencies of the Department of Health and Human Services); and the Office of Indian Education in the U.S. Department of Education, $75.3 million.

Other federal departments, such as Agriculture, Commerce, and HUD, also receive funds specifically designated for Indian programs.

American Indians and Alaska Natives

POPULATION:

According to U.S. Census Bureau figures, there were 1,959,234 American Indians and Alaska Natives living in the United States in 1990 (1,878,285 American Indians, 57,152 Eskimos, and 23,797 Aleuts). This is a 37.9 percent increase over the 1980 recorded total of 1,420,400. The increase is attributed to improved census taking and more self-identification during the 1990 count. The BIA's 1990 estimate is that almost 950,000 individuals of this total population live on or adjacent to federal Indian reservations. This is the segment of the total U.S. Indian and Alaska Native population served by the BIA through formal, on-going relations.

RESERVATIONS:

The number of Indian land areas in the U.S. administered as Federal Indian reservations (reservations, pueblos, rancherias, communities, etc.) total 278. The largest is the Navajo Reservation of some 16 million acres of land in Arizona, New Mexico and Utah. Many of the smaller reservations are less than 1,000 acres with the smallest less than 100 acres. On each reservation, the local governing authority is the tribal government. The states in which the reservations are located have limited powers over them, and only as provided by federal law. On some reservations, however, a high percentage of the land is owned and occupied by non-Indians. Some 140 reservations have entirely tribally-owned land.

TRUST LANDS:

A total of 56.2 million acres of land are held in trust by the United States for various Indian tribes and individuals. Much of this is reservation land; however, not all reservations land is trust land. On behalf of the United States, the Secretary of the Interior serves as trustee for such lands with many routine trustee responsibilities delegated to BIA officials.

INDIAN TRIBES:

There are 510 federally recognized tribes in the United States, including about 200 village groups in Alaska. "Federally-recognized" means these tribes and groups have a special, legal relationship to the U.S. government and its agent, the BIA, depending upon the particular situation of each tribe.

URBAN AND OFF-RESERVATION INDIAN POPULATIONS:

Members of federal tribes who do not reside on their reservations have limited relations with the BIA, since BIA programs are primarily administered for members of federally-recognized tribes who live on or near reservations.

NON-FEDERAL TRIBES AND GROUPS:

A number of Indian tribes and groups in the U.S. do not have a federally-recognized status, although some are state-recognized. This means they have no relations with the BIA or the programs it operates. A special program of the BIA, however, works with those seeking federal recognition status. Of 126 petitions for federal recognition received by the BIA since 1978, eight have received acknowledgment of tribal status and 12 have been denied. Twelve other groups gained federal recognition outside the BIA process through action by the U.S. Congress.

Indian Health Service

The primary Federal health resource for American Indians and Alaska Natives is the Indian Health Service (IHS), an agency of the Public Health Service of the U.S. Department of Health and Human Services. The IHS operates hospitals and clinics on reservations and provides related health services for Indian communities. Like the BIA, the IHS contracts with tribes to operate some of its programs. Some of the significant statistics related to the state of Indian health in 1991 are as follows:

Birth Rate -- Birth rates were 28.0 births per 1,000 in 1986-88. The U.S. all races rate was 15.7 births per 1,000 in 1987.

Infant Death Rate -- The infant death rate was 9.7 per 1,000 live births in 1986-88, while the U.S. all races was 10.1 per 1,000 births in 1987.

Life Expectancy -- In 1979-81, life expectancy was 71.1 years (males, 67.1 years and females 75.1 years). These figures are based on 1980 census information.

Causes of Death -- Diseases of the heart and accidents continue to be the two major causes of death among American Indians and Alaska Natives. The 1988 age-adjusted death rate for diseases of the heart was 138.1 per 100,000 of the population and 166.3 per 100,000 for all U.S. races. In the same period, the age-adjusted death rate from accidents was 80.8 percent per 100,000, including 44.7 related to motor vehicle accidents and 36.1 from other accidents. The U.S. all races 1988 age-adjusted rate was 35.0 per 100,000, including 19.7 related to motor vehicle accidents and 15.3 related to other accidents.

Suicide Rate -- The age-adjusted suicide death rate for the population has decreased 29 percent since its peak in 1975 (21.1 deaths per 100,000 population). The Indian rate for 1988 was 14.5 compared to the U.S. all races rate of 11.4.

HIV/AIDS -- The numbers of AIDS cases among American Indians and Alaska Natives is, as yet, relatively low (236 in the period 1982-1990). There are, however, no firm statistics on the numbers of those who may be HIV-positive. The IHS is, therefore, directing its attention to education/prevention, surveillance, and treatment programs in cooperation with the BIA in its school systems, with tribal leaders, and local and state health departments. The Centers for Disease Control (CDS) provides some funding support toward the total fiscal year 1991 budget for this work of $3.1 million.

Answers to Frequently Asked Questions

Who is an Indian?

No single federal or tribal criteria establishes a person's identity as an Indian. Government agencies use differing criteria to determine who is an Indian eligible to participate in their programs. Tribes also have varying eligibility criteria for membership. To determine what the criteria might be for agencies or tribes, you must contact them directly.

For its purposes, the Bureau of the Census counts anyone an Indian who declares himself or herself to be such.

To be eligible for Bureau of Indian Affairs services, an Indian must (1) be a member of a tribe recognized by the federal government and (2) must, for some purposes, be of one-fourth or more Indian ancestry. By legislative and administrative decision, the Aleuts, Eskimos and Indians of Alaska are eligible for BIA services. Most of the BIA's services and programs, however, are limited to Indians living on or near federal reservations.

What is an Indian Tribe?

Originally, an Indian tribe was a body of people bound together by blood ties who were socially, politically, and religiously organized, who lived together in a defined territory and who spoke a common language or dialect.

The establishment of the reservation system created some new tribal groupings when two or three tribes were placed on one reservation, or when members of one tribe were spread over two or three reservations.

How does an Indian become a member of a tribe?

A tribe sets up its own membership criteria, although the U.S. Congress can also establish tribal membership criteria. Becoming a member of a particular tribe requires meeting its membership rules, including adoption. Except for adoption, the amount of blood quantum needed varies, with some tribes requiring only a trace of Indian blood (of the tribe) while others require as much as one-half.

What is a reservation?

In the U.S., there are only two kinds of reserved lands that are well known -- military and Indian. An Indian reservation is land a tribe reserved for itself when it relinquished its other land areas to the U.S. through treaties. More recently, Congressional acts, executive orders and administrative acts have created reservations. Some reservations, today, have non-Indian residents and land owners.

Are Indians required to stay on reservations?

No. Indians are free to move above like all other Americans.

Did all Indians speak one Indian language?

No. At the end of the 15th century, more than 300 languages were spoken by the native population of what is now the United States. Some were linked by "linguistic stocks" which meant that widely scattered tribal groups had some similarities in their languages. Today, some 250 tribal languages are still spoken, some by only a few individuals and others by many. Most Indians now use English as their main language for communicating with non-tribal members. For many, it is a second language.

Do Indians serve in the Armed Forces?

Indians have the same obligations for military service as other U.S. citizens. They have fought in all American wars since the Revolution. In the Civil War, they served on both sides. Eli S. Parker, Seneca from New York, was at Appamattox as aide to Gen. Ulyssess S. Grant when Lee surrendered, and the unit of Confederate Brigadier General Stand Watie, Cherokee, was the last to surrender. It was not until World War I that Indians' demonstrated patriotism (6,000 of the more than 8,000 who served were volunteers) moved Congress to pass the Indian Citizenship Act of 1924. In World War II, 25,000 Indian men and women, mainly enlisted Army personnel, fought on all fronts in Europe and Asia, winning (according to an incomplete count) 71 Air Medals, 51 Silver Stars, 47 Bronze Stars, 34 Distinguished Flying Crosses, and two Congressional Medals of Honor. The most famous Indian exploit of World War II was the use by Navajo Marines of their language as a battlefield code, the only such code which the enemy could not break. In the Korean conflict, there was one Indian Congressional Medal of Honor winner. In the Vietnam War, 41,500 Indians served in the military forces. In 1990, prior to Operation Desert Storm, some 24,000 Indian men and women were in the military. Approximately 3,000 served in the Persian Gulf with three among those killed in action. One out of every four Indian males is a military veteran and 45 to 47 percent of tribal leaders today are military veterans.

Are Indians wards of the government?

No. The federal government is a trustee of Indian property, it is not a guardian of individual Indians. The Secretary of the Interior is authorized by law, in many instances, to protect the interests of minors and incompetents, but this protection does not confer a guardian-ward relationship.

Do Indians get payments from the government?

No individual is automatically paid for being an Indian. The federal government may pay a tribe or an individual in compensation for damages for losses resulting from treaty violations, for encroachments on Indian lands, or

for other past or present wrongs. A tribe or an individual may also receive a government check for payment of income from their lands and resources, but this is only because their resources are held in trust by the Secretary of the Interior and payment for their use has been collected from users by the federal government in their behalf. Fees from oil or grazing leases are an example.

Are Indians U.S. citizens?

Yes. Before the U.S. Congress extended American citizenship in 1924 to all Indians born in the territorial limits of the United States, citizenship had been conferred upon approximately two-thirds of the Indian population through treaty agreements, statutes, naturalization proceedings, and by "service in the Armed Forces with an honorable discharge" in World War I. Indians are also members of their respective tribes.

Can Indians vote?

Indians have the same right to vote as other U.S. citizens. In 1948, the Arizona supreme court declared unconstitutional disenfranchising interpretations of the state constitution and Indians were permitted to vote as in most other states. A 1953 Utah state law stated that persons living on Indian reservations were not residents of the state and could not vote. That law was subsequently repealed. In 1954, Indians in Maine who were not then federally recognized were given the right to vote, and in 1962, New Mexico extended the right to vote to Indians.

Indians also vote in state and local elections and in the elections of the tribes of which they are members. Each tribe, however, determines which of its members is eligible to vote in its elections and qualifications to do so are not related to the individual Indian's right to vote in national, state or local (non-Indian) elections.

Do Indians have the right to hold federal, state and local government offices?

Indians have the same rights as other citizens to hold public office, and Indian men and women have held elective and appointive offices at all levels of government. Charles Curtis, a Kaw Indian from Kansas, served as Vice President of the United States under President Herbert Hoover.

Indians have been elected to the U.S. Congress from time to time for more than 80 years. Ben Reifel, a Sioux Indian from South Dakota, served five terms in the U.S. House of Representatives. Ben Nighthorse Campbell, a member of the Northern Cheyenne Tribe of Montana, was elected to the U.S. House of Representatives in 1986 from the Third District of Colorado, and is currently serving in his third term. He is the only American Indian currently serving in Congress.

Indians also served and now hold office in a number of state legislatures. Others currently hold or have held elected or appointive positions in state judiciary systems and in county and city governments including local school boards.

Do Indians have the right to own land?

Yes. As U.S. citizens, Indians can buy and hold title to land purchased with their own funds. Nearly all lands of Indian tribes, however, are held in trust for them by the United States and there is no general law that permits a tribe to sell its land. Individual Indians also own trust land which they can sell, but only upon the approval of the Secretary of the Interior or his representative. If an Indian wants to extinguish the trust title to his land and hold title like any other citizen (with all the attendant responsibilities such as paying taxes), he can do so if the Secretary of the Interior or his authorized representative, determines that he is able to manage his own affairs. This is a protection for the individual.

Do Indians pay taxes?

Yes. They pay the same taxes as other citizens with the following exceptions applying to those Indians living on federal reservations: (1) federal income taxes are not levied on income from trust lands held for them by the United States; (2) state income taxes are not paid on income earned on a federal reservation; (3) state sales taxes are not paid on transactions made on a federal reservation, and (4) local property taxes are not paid on reservation or trust land.

Do laws that apply to non-Indians also apply to Indians?

Yes. As U.S. citizens, Indians are generally subject to federal, state, and local laws. On federal reservations, however, only federal and tribal laws apply to members of the tribe unless the Congress provides otherwise. In federal law, the Assimilative Crimes Act makes any violation of state criminal law a federal offense on reservations.

Most tribes now maintain tribal court systems and facilities to detain tribal members convicted of certain offenses within the boundaries of the reservation. A recent U.S. Supreme Court decision restricted the legal jurisdiction of federal tribes on their reservations to members only, meaning that an Indian tribe could not try in its tribal court a member of another tribe even though that person might be a resident on the reservation and have violated its law. There currently are bills in the Congress that would restore tribes' right to prosecute any Indian violating laws on an Indian reservation.

Does the United States still make treaties with Indians?

Congress ended treaty-making with Indian tribes in 1871. Since then, relations with Indian groups are by congressional acts, executive orders, and executive agreements.

The treaties that were made often contain obsolete commitments which have either been fulfilled or superseded by congressional legislation. The provision of educational, health, welfare, and other services by the government to tribes often has extended beyond treaty requirements. A number of large Indian groups have no treaties, yet share in the many services for Indians provided by the federal government.

The specifics of particular treaties signed by government negotiators with Indians are contained in one volume (Vol. II) of the publication, "Indian Affairs, Laws and Treaties," compiled, annotated and edited by Charles Kappler. Published by the Government Printing Office in 1904, it is now out of print, but can be found in most large law libraries. More recently, the treaty volume has been published privately under the title, "Indian Treaties, 1778-1883."

Originals of all the treaties are maintained by the National Archives and Records Service of the General Services Administration. A duplicate of a treaty is available upon request for a fee. The agency will also answer questions about specific Indian treaties. Write to: Diplomatic Branch, National Archives and Records Service, Washington, D.C. 20408.

How do Indian tribes govern themselves?

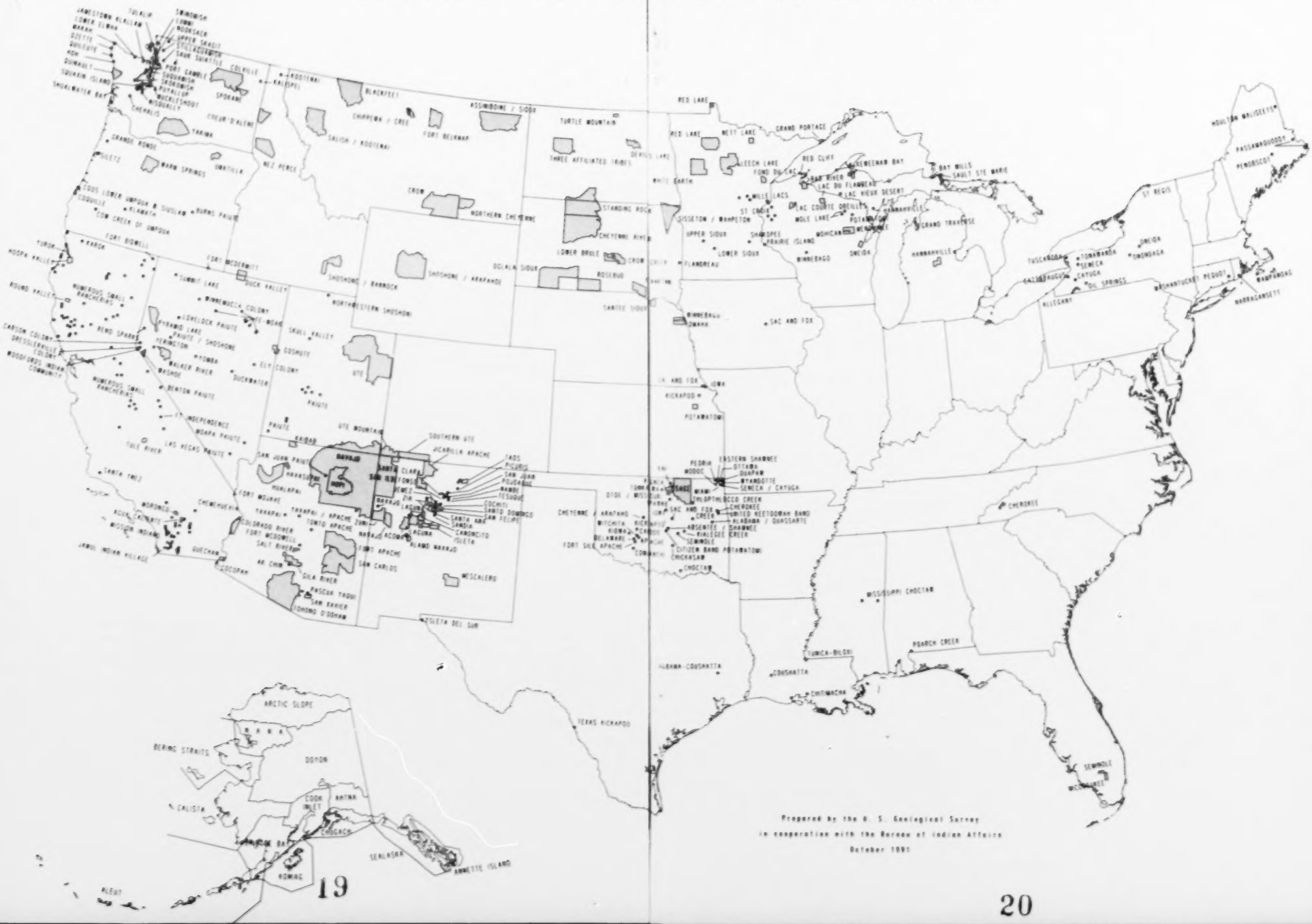
Most tribal governments are organized democratically, that is, with an elected leadership. The governing body is generally referred to as a "council" and is comprised of persons elected by vote of the eligible adult tribal members. The presiding official is the "chairman," although some tribes use other titles such as "principal chief," "president" or "governor." An elected tribal council, recognized as such by the Secretary of the Interior, has authority to speak and act for the tribe and to represent it in negotiations with federal, state, and local governments.

Tribal governments generally define conditions of membership, regulate domestic relations of members, prescribe rules of inheritance for reservation property not in trust status, levy taxes, regulate property under tribal jurisdiction, control conduct of members by tribal ordinances, and administer justice.

Many tribes are organized under the Indian Reoganization Act (IRA) of 1934, including a number of Alaska Native villages, which adopted formal governing documents (Constitutions) under the provisions of a 1936 amendment to the IRA. The passage in 1971 of the Alaska Native Claims Settlement Act, however, provided for the creation of village and regional corporations under state law to manage the money and lands granted by the Act. The Oklahoma Indian Welfare Act of 1936 provided for the organization of Indian tribes within the State of Oklahoma. Some tribes do not operate under any of these acts, but are nevertheless organized under documents approved by the Secretary of the Interior. Some tribes continue their traditional forms of governments.

Prior to reorganization, the tribes maintained their own, often highly developed, systems of self-government.

FEDERALLY RECOGNIZED INDIAN TRIBES



Prepared by the U. S. Geological Survey
in cooperation with the Bureau of Indian Affairs
October 1991

Do Indians have special rights different from other citizens?

Any special rights that Indian tribes or members of those tribes have are generally based on treaties or other agreements between the United States and tribes. The heavy price Indians paid to retain certain "sovereign" rights was to relinquish much of their land to the United States. The inherent rights they did not relinquish are protected by U.S. law. Among those may be hunting and fishing rights and access to religious sites.

How do I trace my Indian ancestry and become a member of a tribe?

The first step in tracing Indian ancestry is basic genealogical research if you do not already have specific family information and documents that identify tribal ties. Some information to obtain is: names of ancestors; dates of birth, marriages and death; places where they lived; their brothers and sisters, if any, and, most importantly, tribal affiliations. Among family documents to check are bibles, wills, and other such papers. The next step is to determine whether any of your ancestors are on an official tribal roll or census. For this there are several sources. Contact the National Archives and Records Administration, Natural Resources Branch, Civil Archives Division, 8th and Pennsylvania Ave., NW, Washington, D.C. 20408. Or you may contact the tribal enrollment officer of the tribe of which you think your ancestors may be members. Another source is the Bureau of Indian Affairs, Branch of Tribal Enrollment, 1849 C St. NW, Washington, D.C. 20240. The key in determining your Indian ancestry is identification of a specific tribal affiliation.

Becoming a member of a tribe is determined by the enrollment criteria of the tribe from which your Indian blood may be derived, and this varies with each tribe. Generally, if your linkage to an identified tribal member is far removed, you would not qualify for membership, but it is the tribe, not the BIA, which makes that determination.

What does tribal sovereignty mean to Indians?

When Indian tribes first encountered Europeans, they were dealt with from strength of numbers and were treated as sovereigns with whom treaties were made. When tribes gave up lands to the U.S., they retained certain sovereignty over the lands they kept. While such sovereignty is limited today, it is nevertheless jealously guarded by the tribes against encroachments by other sovereign entities such as states. Tribes enjoy a direct government-to-government relationship with the U.S. government wherein no decisions about their lands and people are made without their consent.

What does the term "federally recognized mean?

Indian tribes that have a legal relationship to the U.S. government through treaties, Acts of Congress, executive orders, or other administrative actions are "recognized" by the federal government as official entities and receive services from federal agencies. Some tribes are state-recognized, but

do not necessarily receive services from the state. Others have neither federal or state recognition and may not seek such recognition. Any tribe or group is eligible to seek federal recognition by a process administered by a program of the Bureau of Indian Affairs or through direct petition to the U.S. Congress. Only the Congress has the power to terminate a tribe from federal recognition. In that case, a tribe no longer has its lands held in trust by the U.S. nor does it receive services from the BIA.

Do all Indians live on reservations?

No. Indians can and do live anywhere in the United States that they wish. Many leave their home reservations for educational and employment purposes. Over half of the total U.S. Indian and Alaska Native population now lives away from reservations. Most return home often to participate in family and tribal life and sometimes to retire.

Why are Indians sometimes referred to as Native Americans?

The term, "Native American," came into usage in the 1960s to denote the groups served by the Bureau of Indian Affairs: American Indians and Alaska Natives (Indians, Eskimos and Aleuts of Alaska). Later the term also included Native Hawaiians and Pacific Islanders in some federal programs. It, therefore, came into disfavor among some Indian groups.

The Eskimos and Aleuts in Alaska are two culturally distinct groups and are sensitive about being included under the "Indian" designation. They prefer, "Alaska Native."

Does the BIA provide scholarships for all Indians?

The Bureau provides some higher education scholarship assistance for eligible members of federally-recognized tribes. For information, contact the Indian Education Program, Bureau of Indian Affairs, 1849 C St. NW, Washington, D.C. 20240.

Where to Find More Information About Indians

The first and best local resource for finding information about Indians is your library. Libraries have (1) reference books that include Indian information, (2) books on Indian tribes, people, or on various aspects of Indian life or history, and (3) periodicals with articles about Indians. If your library is a Federal Depository Library (there were some 1,400 in 1988), materials published by federal agencies, including the Bureau of Indian Affairs, may also be available in the reference collections. Librarians are professionals trained to help you find materials or obtain them from other libraries on an inter-library loan basis. You may also consider contacting one of the Indian organizations listed on pages 35-36 of this booklet if you have questions about areas of their expertise. The following are other major resources:

Library, U.S. Department of the Interior, 1849 C St., NW, Rm. 1041, Washington, DC 20240 (202) 208-5815. The Interior Library has a large collection of books on Indians available to the public or through inter-library loan, as well as research periodicals for current information about Indians.

Indian Arts and Crafts Board, U.S. Department of the Interior, 1849 C St. NW, Rm. 4004-MIB, Washington, DC 20240 (202) 208-3773. The Board publishes information related to contemporary Native American arts and crafts, including directories of Native American sources for these products, available upon request.

Indian Health Service, U.S. Department of Health and Human Services, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857 (301) 443-1397. The IHS has information on Indian health matters, including programs supported by the federal government, and statistics.

Bureau of the Census, U. S. Department of Commerce, Racial Statistics Branch, Population Division, Washington, DC 20233 (301) 763-2607. The Liaison with American Indians office provides 1990 Census information including statistical profiles of the American Indian, Eskimo and Aleut population for the United States.

National Archives and Records Service, U.S. General Services Administration, Civil Reference Branch, 7th St. and Pennsylvania Ave., NW, Washington, DC. 20480 (202) 523-3238. The Archives assists scholarly research into the history of the federal-Indian relationship and those concerned with the legal aspects of Indian administration. Pertinent materials are among the old records of the Department of War, the Bureau of Indian Affairs, and the General Land Office. They include papers related to Indian treaty negotiations; annuity, per capita and other payment records; tribal census rolls; records of Indian agents; and maps of Indian lands and reservations. You may inquire to use these records or obtain copies of specific segments for a small fee.

Smithsonian Institution, Public Affairs Office, Department of Anthropology, National Museum of Natural History, 10th Street and Constitution Ave., NW, Washington, DC 20560 (202) 357-1592. The Handbook Office is preparing a 20-volume series on the history, culture and contemporary circumstances of North American Indians. The series is entitled, *Handbook of North American Indians*, of which nine volumns have thus far been published.

Library of Congress, General Reading Room Division, 10 First St., SE, Washington, DC 20540 (202) 707-5522. Reference librarians will help you use the general or special collections of the Library of Congress. Its resources are collections of over 84 million items -- books, maps, music, photographs, motion pictures, prints, manuscripts -- some of which contain much material for research on American Indians.

Newberry Library Center for the History of the American Indian, 60 West Walton St., Chicago, IL 60610 (312) 943-9090. One of America's foremost research libraries, the Newberry makes its resources available to academic and lay scholars. The library has more than 100,000 volumes on American Indian history.

National Indian Law Library, Native American Rights Fund, 1522 Broadway, Boulder, CO 80302 (303) 447-8760. A clearinghouse for Indian law-related materials, the Library contains 14,000 court proceedings in every major Indian case since the 1950s and 4,000 non-court materials. It has a government documents and tribal codes and constitutions collection. A catalogue of holdings is available ($75) as well as two supplements (1985, $10; 1989, $30). Copies of materials under six pages are free. More than six cost 15 cents per page.

The National Native American Cooperative, PO Box 1000, San Carlos, Arizona, 85550-0301 (602) 230-3399, periodically publishes a directory that includes a calendar of American Indian events and celebrations and information on arts and crafts. Separate card sets are also available listing this and other information. There is a fee for these publications.

PHOTOGRAPHS

The BIA does not have photographs of Indians available to the public. The following sources provide copies for a fee.

National Anthropological Archives, Smithsonian Institution, Museum of Natural History, Washington, DC 20560 (202) 357-1986, has a large collection of photographs dating back to the early 1800s. Inquiries should specify names of individuals, tribe name, historical events, etc. Researchers with broad or numerous interests should visit the NAA which has, in addition to photographs, manuscripts, field notes, sound tapes, linguistic data, and other documents including vocabularies of Indian and Inuit languages and drawings.

Photo Lab, Museum of History and Technology, Smithsonian Institution, 14th and Constitution Ave., NW, Washington, DC 20560 (202) 357-1933, prints photographs upon request after research has been completed at the Smithsonian. You need to provide a negative number from source files

Still Pictures Branch, National Archives and Records Service, Washington, DC 20408 (202) 501-5455, receives photographs from government agencies, principally the BIA, grouped by subject. Make inquiry as specific as possible, including names, dates, places, etc.

Library of Congress, Prints and Photographs Division, Washington, DC 20540 (202) 707-6394, has available an historic collection of prints and photographs of American Indians. Go to the library to do your research (open Monday-Friday, 8:30 a.m. to 5:00 p.m.). The Library responds to a limited amount of mail.

National Museum of the American Indian, Smithsonian Institution, Photograph Department, 3735 Broadway, New York, NY 10032, (212) 283-2420, has a large collection of objects and photographs of Native Americans. Much of the Museum's collection will be moved to Washington, D.C., when the National Museum of the American Indian is built on the Mall to house the the collections currently located in New York City.

AUDIO-VISUALS

Audio-visual materials are available from the following source:

Native American Public Broadcasting Consortium, PO Box 8311, Lincoln, NB 68501 (402) 472-3522, maintains the Nation's largest quality library of Native American video programs for public television, instructional and information use. Topics range from history, culture and education to economic development and the arts. Programs are available for rent or purchase. A free catalogue is available.

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(This bibliography was prepared with the assistance of Cesare Marino, Smithsonian Institution, Washington, DC)

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Bureau of Indian Affairs Area Offices

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(followed by the address listed below):

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115 4th Avenue, S.E.,
Aberdeen, SD 57401-4382
(605) 226-7343

(Colorado and New Mexico)
615 First Street, N.W.
Albuquerque, NM 87125-6567
(505) 766-3171

(Kansas and Western Oklahoma)
WCD Office Complex
PO Box 368
Anadarko, OK 73005-0368
(405) 247-6673

(Montana and Wyoming)
316 North 26th Street
Billings, MT 59101-1397
(406) 657-6315

(New York, Maine, Louisiana, Florida, North Carolina Mississippi, Connecticut and Rhode Island)
3701 North Fairfax Drive,
Suite 260
Arlington, VA 22203
(703) 235-2571

(Alaska)
Federal Building
PO Box 3-8000
Juneau, AK 99802-1219
(907) 586-7177

(Minnesota, Iowa, Michigan and Wisconsin)
331 Second Avenue South
Minneapolis, MN 55401-2241
(612) 373-1000

(Eastern Oklahoma)
Old Federal Building
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Muskogee, OK 74401-4898
(918) 687-2296

(Navajo Reservation only, Arizona, Utah, and New Mexico)
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Gallup, Nm 87305-1060
(505) 863-9501

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Phoenix, AZ 85001-0010
(602) 379-6600

(Oregon, Washington, and Idaho)
911 NE 11th Avenue
Portland, OR 97232-4169
(503) 231-6702

(California)
Federal Office Building
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Sacramento, CA 95825-1884
(916) 978-4691

(BIA Headquarters)
Bureau of Indian Affairs
1849 C Street, N.W.
Washington, DC 20240
(202) 208-3711

American Indian Organizations

(This is a partial list of national Indian organizations)

American Indian Graduate Center
4520 Montgomery Blvd., N.E.,
Suite 1-B
Albuquerque, NM 87109
(505) 881-4548

American Indian Health Care Association
245 East 6th Street, Suite 815
St. Paul, MN 55101
(612) 293-0233

American Indian Science/ Engineering Society
1085 14th Street, Suite 1506
Boulder, CO 80302
(303) 492-8658

Association of American Indian & Alaska Native Social Workers, Inc.
410 NW 18th Street, No. 101
Portland, OR 97209
(503) 221-4123

Association of American Indian Physicians
10015 S. Pennsylvania, Bldg. D
Oklahoma City, OK 73159
(405) 692-1202

Council of Energy Resource Tribes
1999 Broadway, Suite 2600
Denver, CO 80202
(303) 832-6600

Intertribal Agricultural Council
Transwestern Plaza #2
490 North 31st Street, Suite 306
Billings, MT 59101
(406) 259-3525

Intertribal Timber Council
PO Box C
Warm Springs, OR 97761
(503) 553-1161

National American Indian Housing Council
122 C Street, N.W., Suite 280
Washington, DC 20001
(202) 783-2667

National Center for American Indian Enterprise Development
953 East Juanita
Mesa, AZ 85204
(602) 831-7524

National Congress of American Indians
900 Pennsylvanita Ave., SE
Washington, DC 20003
(202) 546-9404

National Indian Council on Aging
City Center, Suite 510W
6400 Uptown Blvd., NE
Albuquerque, NM 87110
(505) 888-3276

National Indian Education Association
1819 H St., NW, Suite j800
Washington, DC 20006
(202) 835-3001

National Indian Gaming Association
1901 North Ft. Myers Dr.,
Suite 1200
Rossyln, VA 22209
(703) 841-0626

Native American Finance Officers Association
c/o Navajo Tribal Utility Authority
PO Box 170
Fort Defiance, AZ 86504
(602) 729-6218

Native American Journalists Association
University of Colorado Campus
Box 287
Boulder, CO 80309
(303) 492-7379

Native American Rights Fund
1506 Broadway
Boulder, CO 80302
(303) 447-8760

United National Indian Tribal Youth
PO Box 25042
Oklahoma City, OK 73125
(404) 424-3010

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